



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,146	01/26/2001	George Coleman	06620/026001	6198

20985 7590 12/10/2003

FISH & RICHARDSON, PC  
12390 EL CAMINO REAL  
SAN DIEGO, CA 92130-2081

EXAMINER

MULCAHY, JOHN M

ART UNIT PAPER NUMBER

3739

DATE MAILED: 12/10/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/771,146

Applicant(s)

COLEMAN ET AL.

Examiner

John M. Mulcahy

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,8-53,55,61-72,76-86,100,101,105-114 and 121-137 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,8-24,26-30,32-39,49,50,55,61-67,70,72,76,78-81,85,86,100,105-107 and 130-135 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

Continuation of Disposition of Claims: Claims withdrawn from consideration are 25,31,40-48,51-53,68,69,71,77,82-84,101,108-114,121-129,136 and 137.

***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Election/Restrictions***

2. Applicant's election without traverse of Species A (Fig. 1A) in Paper No. 3 is acknowledged. Claims 25, 31, 40-48, 51-53, 68, 69, 71, 77, 82-84, 101, 108-114, 121-129, 136 and 137 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- a. Claims 1, 8-10, 18-21, 27-29, 32-39, 49, 50, 55, 61-67, 70, 72, 76, 78-81, 85, 86, 100, 105-107, 130 and 132-134 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauer et al. (5,700,236) and Eino et al. (4,869,237) in view of each other as set forth in section 2a of the previous Office action (Paper No. 6).

Art Unit: 3739

b. Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauer et al. (5,700,236) in view of Eino et al. (4,869,237) as applied to claims 1 and 9 above, further in view of Karasawa et al. (5,575,756) as set forth in section 2b of the previous Office action (Paper No. 6).

c. Claims 22, 23, 26 and 131 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eino et al. in view of Sauer et al. (5,700,236) as applied to claims 18 and 130 above, further in view of Olympus Optical Co. (JP 10-262921) (Olympus) as set forth in section 2c of the previous Office action (Paper No. 6).

d. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eino et al. (4,869,237) in view of Sauer et al. (5,700,236) and Olympus (JP 10-262921) as applied to claim 23 above, further in view of Matsunaka et al. (5,305,098) as set forth in section 2d of the previous Office action (Paper No. 6).

e. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eino et al. (4,869,237) in view of Sauer et al. (5,700,236) as applied to claim 1 above, further in view of Sheldon (2,987,960) as set forth in section 2e of the previous Office action (Paper No. 6).

f. Claim 135 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sauer et al. (5,700,236) in view of Eino et al. (4,869,237) as applied to claim 134 above, further in view of Yamamoto (6,063,024) as set forth in section 2f of the previous Office action (Paper No. 6).

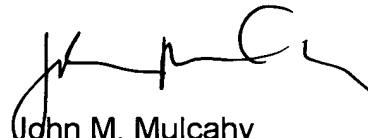
***Response to Arguments***

4. Applicant argues that none of the references teach multiple different sleeve assemblies, each sleeve assembly having a different fixed angle. However, as pointed out in the rejection, Sauer et al. clearly teaches such a system. See Fig. 22 and the last full paragraph of col. 11.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Mulcahy whose telephone number is (703) 308-3134. The examiner can normally be reached on M-F, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C. M. Dvorak can be reached on (703) 308-0994. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0873.

  
John M. Mulcahy  
Primary Examiner  
Art Unit 3739

John Mulcahy  
December 9, 2003